

FRUITS AND VEGETABLES**CANNED FRUIT**

13800. Adulteration of canned apples. U. S. v. 247 Cases * * *. (F. D. C. No. 25165. Sample No. 477-K.)

LIBEL FILED: August 5, 1948, Western District of North Carolina.

ALLEGED SHIPMENT: On or about January 15, 1947, from Winchester, Va.

PRODUCT: 247 cases, each containing 6 7-pound cans, of apples at Charlotte, N. C.

NATURE OF CHARGE: The product was adulterated while held for sale after shipment in interstate commerce in violation of Section 402 (a) (3), in that it consisted in whole or in part of a decomposed substance. (Examination showed that the product was undergoing chemical decomposition.)

DISPOSITION: September 13, 1948. Select Foods, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration. Of the 243 cases actually seized, 130 cases were segregated and destroyed.

13801. Misbranding of canned blackberries. U. S. v. 12 Cases * * *. (F. D. C. No. 25411. Sample No. 23255-K.)

LIBEL FILED: August 27, 1948, Western District of Louisiana.

ALLEGED SHIPMENT: On or about July 29, 1948, by the Star Canning Co., from Lindale, Tex.

PRODUCT: 12 cases, each containing 24 1-pound, 3-ounce cans, of blackberries at Lake Charles, La.

LABEL, IN PART: "Famous Star Brand Blackberries"; (additional labeling, portion of cans) "Water Packed."

NATURE OF CHARGE: Misbranding, Section 403 (i) (2), the production was fabricated from two or more ingredients and the label failed to bear the common or usual name of each such ingredient since water was not declared; and, Section 403 (f), the statement "Water Packed" on a portion of the cans was not prominently displayed thereon (as compared with other words, statements, and designs in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: December 7, 1948. Default decree of condemnation. The product was ordered delivered to a charitable institution.

13802. Misbranding of canned cherries. U. S. v. 30 Cases * * *. (F. D. C. No. 24974. Sample No. 32268-K.)

LIBEL FILED: June 29, 1948, Northern District of California.

ALLEGED SHIPMENT: On or about March 25, 1948, by Wenatchee Food, from Wenatchee, Wash.

PRODUCT: 30 cases, each containing 24 1-pound, 13-ounce cans, of cherries at San Francisco, Calif.

LABEL, IN PART: "Dawn Hour Brand Dark Sweet Cherries in extra heavy syrup * * * Packed by D and D Foods Co., Wenatchee, Wash."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the article purported to be and was represented as canned sweet cherries, a food for which a definition and standard of identity has been prescribed by regulations; and its label failed to bear, as required by such regulations, the name of the optional packing medium present in the article. Its label bore the statement "in extra heavy syrup," whereas it was packed in sirup designated as "heavy sirup" in such standard.

DISPOSITION: November 8, 1948. The D & D Foods Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling, under the supervision of the Federal Security Agency.

13803. Adulteration of canned peaches. U. S. v. 265 Cases * * *. (F. D. C. No. 24897. Sample No. 12728-K.)

LIBEL FILED: June 17, 1948, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 2, November 14, and December 24, 1946, from Yuba City, Calif., by the Sunset Fruit Co.

PRODUCT: 265 cases, each containing 24 1-pound, 13-ounce cans, of peaches at Philadelphia, Pa.

LABEL, IN PART: "Good Treat Yellow Cling Peaches."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was unfit for food by reason of its phenolic taste, rendering it unpalatable.

DISPOSITION: October 26, 1948. Default decree of condemnation and destruction.

13804. Misbranding of canned peaches. U. S. v. 37 Cases * * *. (F. D. C. No. 24982. Sample No. 36265-K.)

LIBEL FILED: On or about July 1, 1948, District of Montana.

ALLEGED SHIPMENT: On or about May 10, 1948, by the Royal Canning Corp., from Ogden, Utah.

PRODUCT: 37 cases, each containing 48 1-pound cans, of peaches at Great Falls, Mont.

LABEL, IN PART: "Royal Brand Utah Yellow Freestone Elberta Peaches Peeled Halves."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product was below standard in quality. The peach units were not untrimmed, or so trimmed as to preserve normal shape, and the label failed to indicate that the article was below standard.

DISPOSITION: September 22, 1948. Default decree of condemnation. The product was ordered delivered to a public institution.

13805. Misbranding of canned fruit cocktail. U. S. v. 196 Cases * * *. (F. D. C. No. 24766. Sample No. 32245-K.)

LIBEL FILED: May 12, 1948, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about March 24, 1948, by Tiedemann & McMorran, from Oakland, Calif.

PRODUCT: 196 cases, each containing 6 6-pound, 12-ounce cans, of fruit cocktail at Little Rock, Ark.

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the product fell below the standard for canned fruit cocktail since it contained in the mixture of drained